

46-1-3 Qualifications -- Commissioning -- Jurisdiction and term.

- (1) Except as provided in Subsection (3), the lieutenant governor shall commission as a notary any qualified person who submits an application in accordance with this chapter.
- (2) A person qualified for a notarial commission shall:
 - (a) be 18 years of age or older;
 - (b) lawfully reside in this state 30 days immediately preceding the filing for a notarial commission and maintain permanent residency thereafter;
 - (c) be able to read, write, and understand English;
 - (d) submit an application to the lieutenant governor containing no significant misstatement or omission of fact and include at least:
 - (i) a statement of the applicant's personal qualifications, the applicant's residence address, a business address in this state, and daytime telephone number;
 - (ii) the applicant's age and date of birth;
 - (iii) all criminal convictions of the applicant, including any pleas of admission and nolo contendere;
 - (iv) all issuances, denials, revocations, suspensions, restrictions, and resignations of a notarial commission or other professional license involving the applicant in this or any other state;
 - (v) the acknowledgment of a passing score by the applicant on a written examination administered under Subsection (5);
 - (vi) a declaration by the applicant; and
 - (vii) an application fee determined under Section 63J-1-504;
 - (e) be a Utah resident or have permanent resident status under Section 245 of the Immigration and Nationality Act; and
 - (f) be endorsed by two residents of the state who are over the age of 18.
- (3) The lieutenant governor may deny an application based on:
 - (a) the applicant's conviction for a crime involving dishonesty or moral turpitude;
 - (b) any revocation, suspension, or restriction of a notarial commission or professional license issued to the applicant by this or any other state;
 - (c) the applicant's official misconduct while acting in the capacity of a notary; or
 - (d) the applicant's failure to pass the written examination.
- (4) A person commissioned as a notary by the lieutenant governor may perform notarial acts in any part of this state for a term of four years, unless the person resigned or the commission is revoked or suspended under Section 46-1-19.
- (5) Each applicant for a notarial commission shall take a written examination approved by the lieutenant governor and submit the examination to a testing center designated by the lieutenant governor for purposes of scoring the examination. The testing center designated by the lieutenant governor shall issue a written acknowledgment to the applicant indicating whether the applicant passed or failed the examination.

Amended by Chapter 183, 2009 General Session